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EXAMINER

PHAN, HUY Q

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,331	Applicant(s) CHAMBERS ET AL.	
	Examiner HUY PHAN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/08/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: 07/08/2009.
Claims 1-28 and 30-36 are still pending.
Claim 29 has been cancelled.
Claims 30-36 are newly added.

Response to Arguments

2. Applicant's arguments, see REMARKS, have been fully considered and found persuasive.

Claim Objections

Applicant has amended claims 6, 14 and 19, the objection is withdrawn.

35 U.S.C. 101 Rejections

Applicant has amended claims 14 and 28, the 101 rejection is withdrawn.

35 U.S.C. 102 Rejections

Applicant's arguments with respect to the amended limitations have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 14 is objected to because of the following informalities: typographical error.

In line 8 of claim 14, second phrase “any one or more of the regions” should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 and 30-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (US 2003/0023540).

Regarding claim 1, Johnson discloses a system for transferring electrical power within an area having a plurality of regions (“California Public Utilities Commission... power supply requirements for the three largest utilities” customers as well as all those of the other local utilities in California to be supplied power via the exchange” see [0002]), the system comprising:

determining means operable to determine whether any one or more of the regions requires an amount of electrical power (“power supply requirements” see [0002]) and (“monitor... monitoring” see [0002] and [0020]);

requesting means operable to issue a request to at least one of the regions for the amount of electrical power (“ask... specified quantities of power” see [0002]); and

transferring means operable to transfer the amount of electrical power from the at least one of the regions to the any one or more of the regions (“specified quantities of power to be delivered to the California power grid” see [0002]).

Regarding claim 2, Johnson discloses the system as claimed in claim 1, wherein the determining means is operable to determine whether any one or more of the regions requires the amount of electrical power (“ask... specified quantities of power” see [0002]) by determining whether a supply of the amount of electrical power is adequate for any one or more of the regions (“keeping demand on the combined grid in balance with available supply at all times” see [0002]).

Regarding claim 3, Johnson discloses the system as claimed in claim 1, wherein the determining means is operable to determine whether any one or more of the regions requires the amount of electrical power by determining (“monitor... monitoring” see [0002] and [0020]) whether a source from which the supply of the electrical power is obtained is operational (“California Public Utilities Commission... power supply requirements for the three largest utilities” customers as well as all those of the other local utilities in California to be supplied power via the exchange” see [0002]).

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Regarding claim 4, Johnson discloses the system as claimed in claim 2, wherein the determining means is operable to determine whether the supply of the amount of electrical power is adequate by determining (“monitor... monitoring” see [0002] and [0020]) whether a demand for the amount of electrical power is likely to exceed a maximum amount which the supply of the electrical power can provide (“keeping demand on the combined grid in balance with available supply at all times” see [0002]).

Regarding claim 5, Johnson discloses the system as claimed in claim 3, wherein the determining means is operable to determine (“monitor... monitoring” see [0002] and [0020]) whether the source is operational by monitoring a status of the source (“ask... specified quantities of power” see [0002]).

Regarding claim 6, Johnson discloses the system as claimed in claim 4, wherein the determining means determines (“monitor... monitoring” see [0002] and [0020]) whether the demand exceeds the maximum amount by monitoring an output of a source (“keeping demand on the combined grid in balance with available supply at all times” see [0002]).

Regarding claim 7, Johnson discloses the system as claimed in claim 6, wherein the determining means comprises an electronic monitoring device which is capable of collecting information about the status and the output of the source (“Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell

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electric power among themselves” see [0002]), the monitoring device being capable of processing the information in order to determine whether the demand exceeds the maximum amount and the status of the source (“keeping demand on the combined grid in balance with available supply at all times” see [0002]).

Regarding claim 8, Johnson discloses the system as claimed in claim 7, wherein the requesting means comprises a plurality of interconnected devices each of which is associated with a respective one of the regions (“Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves” see [0002]), each of the devices being capable of issuing the request to any other devices which are connected thereto (“Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves” see [0002]), thereby effecting issue of the request to the at least one of the regions (“California Public Utilities Commission... power supply requirements for the three largest utilities” customers as well as all those of the other local utilities in California to be supplied power via the exchange” see [0002]).

Regarding claim 9, Johnson discloses the system as claimed in claim 8, wherein each of the devices is such that upon receiving the request they determine (“Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves” see [0002]) whether the respective one

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of the regions is capable of providing the amount of the electrical power ("ask... specified quantities of power" see [0002]).

Regarding claim 10, Johnson discloses the system as claimed in claim 8, wherein each of the devices is capable of issuing an indication that the respective one of the regions is capable of providing the amount of the electrical power ("California Public Utilities Commission... power supply requirements for the three largest utilities" customers as well as all those of the other local utilities in California to be supplied power via the exchange" see [0002]).

Regarding claim 11, Johnson discloses the system as claimed in claim 10, wherein each of the devices is capable of determining ("Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves" see [0002]) whether the respective one of the regions has a surplus amount of electrical power, to thereby effect determining of whether the respective one of the regions is capable of providing the amount of the electrical power ("California Public Utilities Commission... power supply requirements for the three largest utilities" customers as well as all those of the other local utilities in California to be supplied power via the exchange" see [0002]).

Regarding claim 12, Johnson discloses the system as claimed in claim 11, wherein each of the devices is capable of determining whether a demand for the

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amount of electrical power in the respective one of the regions is likely to exceed a maximum amount which the supply of the electrical power can provide to the respective one of the regions ("keeping demand on the combined grid in balance with available supply at all times" see [0002]), to thereby effect determination of whether the respective one of the regions has the surplus amount electrical power ("Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves" see [0002]).

Regarding claim 13, Johnson discloses the system as claimed in claim 12, wherein the transferring means comprises a plurality of links which are arranged in a mesh topology ("telecommunications facilities may, for example, include any wireline or wireless facilities, whether part of the public switched telephone network, private lines, the Internet, coaxial cable, electric utility power lines, Ethernet or other local area network (LAN), metropolitan area network (MAN) or wide area network (WAN) connections" see [0020]), and which can be used to transfer the amount of electrical power from the at least one of the regions to the any one or more of the regions ("Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves" see [0002]).

Regarding claim 14, Johnson discloses a method for transferring electrical power within an area having a plurality of regions ("California Public Utilities Commission... power supply requirements for the three largest utilities" customers as well as all those

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of the other local utilities in California to be supplied power via the exchange” see [0002]), the method comprising the steps:

determining whether any one or more of the regions requires an amount of the electrical power using a determining means (“power supply requirements” see [0002]);

issuing a request to at least one of the regions for the amount of electrical power using the determining means (“ask... specified quantities of power” see [0002]); and

transferring the amount of electrical power from the at least one of the regions to the any one or more of the regions any one or more of the regions using a transferring means (“specified quantities of power to be delivered to the California power grid” see [0002]).

Regarding claim 15, Johnson discloses the method as claimed in claim 14, wherein determining whether the any one or more of the regions requires the amount of electrical power comprises determining whether a supply of the amount of electrical power is adequate for the any one or more of the regions (“keeping demand on the combined grid in balance with available supply at all times” see [0002]).

Regarding claim 16, Johnson discloses the method as claimed in claim 15, wherein determining whether the any one or more of the regions requires the amount of electrical power comprises determining whether a source from which the supply of the electrical power is obtained is operational (“California Public Utilities Commission... power supply requirements for the three largest utilities” customers as well as all those

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of the other local utilities in California to be supplied power via the exchange” see [0002]).

Regarding claim 17, Johnson discloses the method as claimed in claim 15, wherein determining whether the supply of electrical power is adequate comprises determining whether a demand for electrical power is likely to exceed a maximum amount which the supply of the electrical power can provide (“keeping demand on the combined grid in balance with available supply at all times” see [0002]).

Regarding claim 18, Johnson discloses the method as claimed in claim 16, wherein determining whether the source is operational comprises monitoring a status of the electrical power (“monitor... monitoring” see [0002] and [0020]).

Regarding claim 19, Johnson discloses the method as claimed in claim 17, wherein determining whether the demand exceeds the maximum amount comprises monitoring an output of a source (“California Public Utilities Commission... power supply requirements for the three largest utilities” customers as well as all those of the other local utilities in California to be supplied power via the exchange” see [0002]).

Regarding claim 20, Johnson discloses the method as claimed in claim 19, wherein determining whether the source is operational and/or whether the demand exceeds the maximum amount comprises collecting information about the status and

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the output of the source, and processing the information in order to determine whether the demand exceeds the maximum amount and the status of the source (“keeping demand on the combined grid in balance with available supply at all times” see [0002]).

Regarding claim 21, Johnson discloses the method as claimed in claim 14, wherein issuing the request comprises determining whether the respective one of the regions is capable of providing the amount of electrical power (“specified quantities of power to be delivered to the California power grid” see [0002]).

Regarding claim 22, Johnson discloses the method as claimed in claim 14, wherein issuing the request comprises issuing an indication that the respective one of the regions is capable of providing the amount of electrical power (“ask... specified quantities of power” see [0002]).

Regarding claim 23, Johnson discloses the method as claimed in claim 14, wherein transferring the amount of electrical power comprises arranging a plurality of links into a mesh topology (“telecommunications facilities may, for example, include any wireline or wireless facilities, whether part of the public switched telephone network, private lines, the Internet, coaxial cable, electric utility power lines, Ethernet or other local area network (LAN), metropolitan area network (MAN) or wide area network (WAN) connections” see [0020]), and using the links to transfer the electrical power from the at least one of the regions to the any one or more of the regions (“California

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Public Utilities Commission... power supply requirements for the three largest utilities" customers as well as all those of the other local utilities in California to be supplied power via the exchange" see [0002]).

Regarding claim 24, Johnson discloses a decentralised electrical power network ("Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves" see [0002]), the network comprising:

a plurality of geographically dispersed sub- networks each of which comprises a generator ("Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves" see [0002]) capable of generating electrical power and a local distribution system arranged to distribute the electrical power to users ("California Public Utilities Commission... power supply requirements for the three largest utilities" customers as well as all those of the other local utilities in California to be supplied power via the exchange" see [0002]);

a generator control system operable to: identify a first of the sub-networks that that is not capable of providing an amount of electrical power required by the users ("specified quantities of power to be delivered to the California power grid" see [0002]); and

change an operational status of the generator of a second of the sub-networks so as to produce the amount of electrical power ("ask... specified quantities of power" see [0002]); and

a backbone distribution system ("California Public Utilities Commission... power supply requirements for the three largest utilities" customers as well as all those of the other local utilities in California to be supplied power via the exchange" see [0002]) arranged to transfer the amount of electrical power from the first of the sub-networks to the second of the sub-networks ("ask... specified quantities of power" see [0002]).

Regarding claim 25, Johnson discloses the decentralised electrical power network as claimed in claim 24, wherein the generator control system ("Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves" see [0002]) is operable to select the second of the sub-networks based on a proximity of the second of the sub-networks to the first of the sub-networks ("California Public Utilities Commission... power supply requirements for the three largest utilities" customers as well as all those of the other local utilities in California to be supplied power via the exchange" see [0002]).

Regarding claim 26, Johnson discloses the decentralised electrical power network as claimed in claim 24, wherein the generator control system comprises:

a local control system ("Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves" see [0002]);

a communication means ("ask... specified quantities of power" see [0002]); and

a global controller ("California Public Utilities Commission... power supply requirements for the three largest utilities" customers as well as all those of the other local utilities in California to be supplied power via the exchange" see [0002]),

wherein the local control system is operable to collect status information about a status of the generator in each of the sub-networks and use the communication means to transfer the information to the global controller ("Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves" see [0002]), the global controller being operable to process the status information in order to identify the first of the sub- networks and send - status control data to the local control system via the communication means ("ask... specified quantities of power" see [0002]), the local control system being operable to process the status control data in order to effect the change in the operational status of the generator in the second of the sub-networks ("specified quantities of power to be delivered to the California power grid" see [0002]).

Regarding claim 27, Johnson discloses the decentralised electrical power network as claimed in claim 24, wherein the backbone distribution system comprises a plurality of electrical power transmission links arranged in a mesh topology ("telecommunications facilities may, for example, include any wireline or wireless facilities, whether part of the public switched telephone network, private lines, the Internet, coaxial cable, electric utility power lines, Ethernet or other local area network

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(LAN), metropolitan area network (MAN) or wide area network (WAN) connections” see [0020]).

Regarding claim 28, Johnson discloses a computer readable storage medium having computer software stored thereon which, when executed by a computing system, allows the computing system to carry out the method as claimed in any one of claims 14 to 23 (“software” see [0020] and [0003]).

Regarding claim 30, Johnson discloses a system for transferring electrical power within an area having a plurality of regions (“California Public Utilities Commission... power supply requirements for the three largest utilities” customers as well as all those of the other local utilities in California to be supplied power via the exchange” see [0002]), the system comprising:

a backbone distribution system (“California Public Utilities Commission... power supply requirements for the three largest utilities” customers as well as all those of the other local utilities in California to be supplied power via the exchange” see [0002]) arranged so that the plurality of regions are electrically interconnected to each other (“telecommunications facilities may, for example, include any wireline or wireless facilities, whether part of the public switched telephone network, private lines, the Internet, coaxial cable, electric utility power lines, Ethernet or other local area network (LAN), metropolitan area network (MAN) or wide area network (WAN) connections” see [0020]);

a plurality of electrical generators (“Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves” see [0002]), each of the generators being associated with a respective one of the plurality of regions, and also each of the generators being in electrical communication with the backbone distribution system;

determining means (“monitor... monitoring” see [0002] and [0020]) operable to determine whether any one or more of the regions requires an amount of the electrical power (“Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves” see [0002]); and

requesting means (“ask... specified quantities of power” see [0002]) operable to issue a request to at least one of the regions for the transfer of the amount of the electrical power over the backbone to the any one or more of the regions that requires the amount of the electrical power (“California Public Utilities Commission... power supply requirements for the three largest utilities” customers as well as all those of the other local utilities in California to be supplied power via the exchange” see [0002]).

Regarding claim 31, Johnson discloses the system as claimed in claim 30, wherein each of the plurality of generators has a maximum electrical power capacity capable of meeting an expected demand in its respective region (“Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves” see [0002]), and the determining means are operable to determine whether any one or more of the regions requires an amount of

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electrical power that exceeds the maximum electrical power capacity of the one or more regions respective generators (“keeping demand on the combined grid in balance with available supply at all times” see [0002]).

Regarding claim 32, Johnson discloses the system as claimed in claim 30, wherein the determining means comprises a plurality of local controllers, each controller being assigned to a respective region (“Power generators, local electric utilities, resellers, independent traders and brokers actively buy and sell electric power among themselves” see [0002]).

Regarding claim 33, Johnson discloses the system as claimed in claim 32, wherein each controller comprises a respective sensor circuit, each sensor circuit being operable to monitor the demand placed on the generator associated with the respective assigned region (“monitor... monitoring” see [0002] and [0020]).

Regarding claim 34, Johnson discloses the system as claimed in claim 33, wherein each controller has a respective data processing circuit, and each respective sensor forwards information indicative of the demand placed on the generator associated with the respective assigned region to the respective processing circuit (“monitor... monitoring” see [0002] and [0020]).

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Regarding claim 35, Johnson discloses the system as claimed in claim 34, comprising a local area network and the data processing circuits are capable of using the local area network ("telecommunications facilities may, for example, include any wireline or wireless facilities, whether part of the public switched telephone network, private lines, the Internet, coaxial cable, electric utility power lines, Ethernet or other local area network (LAN), metropolitan area network (MAN) or wide area network (WAN) connections" see [0020]).

Regarding claim 36, Johnson discloses the system as claimed in claim 34, wherein the requesting means comprise at least one of the data processing circuits ("ask... specified quantities of power" see [0002]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Tonomura discloses that "It is assumed that the unit cost of buy power and the unit cost of sell power are identical in the contracts with a power company, and the unit cost of the electric power rate of the quantity of buy power for 1 month is applied as the unit cost of the quantity of sell power" (see specification).

b) Tuck claims that "displaying the offer to sell to said plurality, wherein said offer to sell is comprised of a quantity of units of electrical energy and a unit price, wherein the unit price displayed to each participant of the plurality is adjusted to reflect any

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charges associated with transmitting said units of electrical energy from the first participant to each participant of the plurality, wherein the charges associated with transmitting said units of electrical energy” (see specification).

c) Takriti discloses that “The first column represents the spot market price. The second column contains the amount of power that may be traded. Note that for the same spot price, one may buy or sell different amounts of electric power” (see specification).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 9AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Huy Q Phan/
Primary Examiner, Art Unit 2617
Date: 10/01/2009